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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
10/675,090	09/30/2003	Jeyhan Karaoguz	14445US02	4758		
23446	7590	10/08/2009	EXAMINER			
MCANDREWS HELD & MALLOY, LTD 500 WEST MADISON STREET SUITE 3400 CHICAGO, IL 60661				LANGHNOJA, KUNAL N		
ART UNIT		PAPER NUMBER				
2427						
MAIL DATE		DELIVERY MODE				
10/08/2009		PAPER				

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/675,090	KARAOGUZ ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	KUNAL LANGHNOJA	2427	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 30 July 2009.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-22 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-22 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/30/2009 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kerman et al (US Patent No. 5,659,366), in view of Hunter et al (US Patent No. 7,233,781), further in view of Novak et al (US PG PUB No. 2002/0104099).

Regarding claim 1, Kerman et al teaches a system for managing newly accessible media content on a communication network, comprising:  
a display [136] communicatively coupled to at least one communication device [105,110,125,200, 205] (Figure 2) at a first private home, the communication device being in at least one of a "standby" mode and an "off" mode (Figures 1 and 2; Col.1 lines 13-20, Col.3 lines 3-12, Col.5 lines 16-34):

a communication network communicatively coupled to the at least one communication device (i.e. a device that receives incoming television signals being transmitted over a wireless or cable infrastructure network through the use of antenna or cable) (Figures 1 and 2; Col.2 lines 14-15 and Col.4 lines 64-66). However, the reference is unclear with respect to the display being in an "off" mode, a second communication device at a second private home, wherein the second communication device creates a personal media channel that comprises a personal video, wherein the second communication device pushes the personal media channel over the communication network to the at least one communication device, wherein the at least one communication stores the personal media channel, wherein the at least one communication device detects the personal media channel that was pushed to the at least one communication device wherein, after the detection, the at least one communication device activates the display that was in the "off" mode, displays and at least one indication relating to the detection on the activated display, wherein the at least one communication device provides a media guide user interface on the display, wherein the media guide user interface displays a list of individual channels, wherein

the individual channels comprise broadcast media channels and non-broadcast media channels, wherein the personal media channel pushed to the at least one communication device is a non-broadcast media channel and is added to the media guide user interface on the display, and wherein the at least one communication device can select the personal media channel to watch the personal video.

In similar field of endeavor, Hunter et al teaches concept of the display being in an "off" mode wherein, after the detection, the at least one communication device activates the display that was in the "off" mode, displays and at least one indication relating to the detection on the activated display (Col.11 lines 61-67, Col.12 lines 1-6, Col.15 lines 49-52 and Col. 24 lines 6-9). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the reference for the common knowledge purpose of allowing user to get alerts/notification even when the display is in off mode (Col.6 lines 10-13).

In similar field of endeavor, Novak et al teaches a second communication device [122] at a second private home, wherein the second communication device [122] creates a personal media channel (i.e. synthetic channel) that comprises a personal video (i.e. personal media), wherein the second communication device pushes the personal media channel over the communication network to the at least one communication device (i.e. end users), wherein the at least one communication stores the personal media channel, wherein the at least one communication device detects the personal media channel that was pushed to the at least one communication device (i.e. detecting new media and updating EPG accordingly) and, wherein the at least one

communication device provides a media guide user interface on the display (Figure 8), wherein the media guide user interface displays a list of individual channels (i.e. synthetic channels), wherein the individual channels comprise broadcast media channels and non-broadcast media channels , wherein the personal media channel pushed to the at least one communication device is a non-broadcast media channel and is added to the media guide user interface on the display, and wherein the at least one communication device can select the personal media channel to watch the personal video (Figures 1, 4 and 8; Paragraphs 0025-26, 0038-39, 0056 and 0070-71).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the references for the purpose of providing end users with personal media within EPG to avoid confusion with regards to not computer savvy users.

Regarding claim 2, Kerman, Hunter and Novak, the combination teaches everything claimed (see claim 1). The combination teaches the communication network comprises one or more of the following: a third party media server, a media exchange server, a third party media provider, a third party service provider, a media storage server, a broadband access headend, a broadcast channel provider, a cable infrastructure, a satellite network infrastructure, a digital subscriber line (DSL) infrastructure, an Internet infrastructure, an intranet infrastructure, a wired infrastructure, a closed communication infrastructure, a local area network, and/or a wireless infrastructure (Novak: Figure 3; Paragraphs 0045, 0047-48).

Regarding claim 3, Kerman, Hunter and Novak, the combination teaches everything claimed (see claim 1). The combination teaches the communication network comprises the Internet (Novak: Figure 3; Paragraphs 0045, 0047-48).

Claim 4 is rejected wherein the at least one communication device comprises one or more of the following: a computer, a storage device, a media peripheral, set-top box circuitry, a television, a text display, a keyboard, a computer mouse, a remote control, an internal speaker, an intercom system, an infrared transmitter, light emitting diodes (LED's), and/or a stereo system is met by Kerman teaching a tuner 105, host microcontroller 110, data decoder 125, speaker 116, video display 136, light source 200, audio source 205 (Fig. 1 & 2; col. 2, lines13-67; col.3 lines 1-16; and col.4, lines 55-63).

Claim 5 is rejected wherein the display is one or more of the following: a CRT-based television, a high definition TV (HDTV), a plasma display system, and/or a projection television (Kerman: Figure 1 and 2; Col.3 lines 10-12).

Claim 6 is rejected wherein the individual channels provide one or more of the following: third party media content, user-created media content, digital video, digital images, digital audio, documents, files, non- broadcast media content, broadcast television programs, radio channels, news programming, sporting events programming, special programming, and/or on-demand movies (Kerman: Col.2 lines 4-7, Col.3 lines 25-29 and Novak: Paragraphs 0038-39).

Claim 7 is rejected the personal media channel (i.e. synthetic channel) stored in the at least one communication channel can be pushed over the communication

network to a third communication device in a third private home (Novak: Figures 1, 4 and 8; Paragraphs 0025-26, 0038-39, 0056 , 0060 and 0070-71)

Claim 8 is rejected wherein the at least one indication relating to the detection comprises one or both of a display pop-up window notification and/or a display ghost overlay notification on the activated display. (Kerman: Col.3 lines 3-10)

Claim 9 is rejected wherein at least one indication relating to the detection is transmitted to another device via a wireless link (Kerman: Abstract and Hunter: Col.5 lines 1-18 and lines 48-63).

Claim 10 is rejected wherein the at least one indication relating to the detection comprises one or more of the following: a text display announcement, activating LED's, and/or an audible announcement (Kerman: Col.3 lines 29-31 and col.5 lines 10-15).

Claim 11 is rejected wherein the at least one indication relating to the detection of the newly accessible media content is transmitted to another device via a wireless link(Kerman: Abstract and Hunter: Col.5 lines 1-18 and lines 48-63).

Claim 12 is met as previously discussed with respect to Claim 1.In addition, the claimed "processor disposed in a communication device" is met by the host microcontroller 110 (Kerman- Fig. 1 & 2) and digital pictures are met by Novak et al (Paragraphs 0064).

Claim 13 is met as previously discussed with respect to claim 4.

Claim 14 is met as previously discussed with respect to claims 8 and 10.

5. Claims 15-19 and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Novak et al, in view of Hunter et al, further in view of Rodriguez et al (US Patent No. 6,760,918).

Regarding claim 15, Novak et al teaches a method for managing newly accessible media content on a communication network, comprising:

creating, by a first communication device [122], a personal media channel (i.e. synthetic channel) comprising one or more personal digital pictures or one or more personal videos (i.e. personal media) (paragraphs 0064);  
pushing, by the first communication device [122], the personal media channel (i.e. synthetic channel) over the communication network to a second communication device (i.e. end users); detecting, by the second communication device, the personal media channel that was pushed to the second communication device (i.e. detecting new media and updating EPG accordingly); and providing a media guide user interface on the activated display (figure 8), wherein the media guide user interface displays a table of individual channels, wherein the individual channels comprise broadcast media channels and non-broadcast media channels (i.e. synthetic channel), wherein the personal media channel pushed to the first communication device [122] is added to table of individual channels (Figures 1, 4 and 8; Paragraphs 0025-26, 0038-39, 0056 and 0070-71). However, the reference is unclear with respect to after the detection, activating, by the second communication device, a display that was previously off; displaying, on the activated display, at least one indication relating to the detection and wherein the personal media channel can be selected to download the one or more

personal digital pictures or one or more personal videos, wherein the media guide user interface provides download options with respect to the selected personal media channel that are based on cost and that affect download speed and media content quality.

In similar field of endeavor, Hunter et al teaches concept of after the detection, activating, by the second communication device, a display that was previously off; displaying, on the activated display, at least one indication relating to the detection (Col.11 lines 61-67, Col.12 lines 1-6, Col.15 lines 49-52 and Col. 24 lines 6-9).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the reference for the common knowledge purpose of allowing user to get alerts/notification even when the display is in off mode (Col.6 lines 10-13).

In similar field of endeavor, Rodriguez et al teaches wherein the media channel can be selected to download the one or more personal digital pictures or one or more videos, wherein the media guide user interface provides download options with respect to the selected media channel that are based on cost and that affect download speed and media content quality (i.e. user selects quality, speed and price reflects the selections made within the screen) (Figure 22; Col.25 lines 57-62 and Col.26 lines 44-65). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the references for the purpose of providing options with respect to quality and speed to user in order to save time and/or money.

Regarding claim 16, Novak, Hunter and Rodriguez, the combination teaches everything claimed (see claim 15). The combination teaches the least one indication is provided in one or more of the following: a text format, a graphic format, and/or an audio format (Hunter: Col.15 lines 49-53).

Regarding claim 17, Novak, Hunter and Rodriguez, the combination teaches everything claimed (see claim 15). The combination teaches the at least one indication relating to the detection comprises one or more of the following: a display pop-up window notification, a display ghost overlay notification, a text display announcement, activating LED's, and/or an audible announcement (Col.14 lines 40-42, Col.15 lines 32-34).

Regarding claim 18, Novak, Hunter and Rodriguez, the combination teaches everything claimed (see claim 15). The combination teaches the at least one indication is transmitted to another device via a wireless link. (Hunter: Col.5 lines 1-18 and lines 48-63).

Claim 19 is met as previously discussed with respect to claim 15. In addition limitation displaying times, via media guide user interface, at which the personal media channel is schedules for access is met by Rodriguez et al (Figures 22-26; Col.27 lines 1-27).

Regarding claim 21, Novak, Hunter and Rodriguez, the combination teaches everything claimed (see claim 15). The combination teaches generating an audible alert signal for the availability of the newly pushed personal media channel (Novak: Paragraphs 0038-39, 0059 and 0070-71 and Hunter: Col.15 lines 49-52).

Claim 22 is rejected wherein n the media guide user interface has a TV guide look and feel and is controlled by a remote control device (Figures 8-9; Paragraphs 0073).

6. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Novak et al, in view of Hunter et al, in view of Rodriguez et al, further in view of Lu et al (US Patent No. 7,065,778).

Regarding claim 20, Novak, Hunter, and Rodriguez, the combination teaches everything claimed (see claim 19). The combination teaches second communication device receives the pushed personal media channel. (Novak: 0025-26, 0038-39, 0056 and 0070-71). However, the combination is unclear with respect to the second communication device pushes the media channel to a third communication over the Internet.

In similar field of endeavor, Lu et al teaches the second communication device pushes the media channel to a third communication over the Internet (Figure 3; Col.9 lines 5-26). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the reference for the purpose of receiving/sending content to requester in order for requester to receive content regardless of his/her geographic location.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KUNAL LANGHNOJA whose telephone number is 571-270-3583. The examiner can normally be reached on M-F 10:00 A.M.- 6:00 P.M. ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on 571-272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/K. L./  
Examiner, Art Unit 2427

/Scott Beliveau/  
Supervisory Patent Examiner, Art Unit 2427